

ASSEMBLY BILL

No. 169

Introduced by Assembly Member Levine

January 23, 2007

An act to add Section 6530.5 to the Government Code, relating to joint powers authorities.

LEGISLATIVE COUNSEL'S DIGEST

AB 169, as introduced, Levine. Joint powers authorities: Indian tribes.

Existing law authorizes 2 or more public agencies, by agreement, to jointly exercise common powers. Existing law defines public agencies for this purpose.

This bill would provide that 16 federally recognized Indian tribal governments may participate in the Southern California Association of Governments, a joint powers authority, for specified purposes and subject to specified conditions in the 6-county region of the Southern California Association of Governments.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Sixteen tribal governments recognized by the Bureau of
- 4 Indian Affairs of the United States Department of the Interior have
- 5 land held in trust by the government of the United States located
- 6 within the boundaries of the jurisdiction of the Southern California
- 7 Association of Governments.

(b) As the federally mandated metropolitan planning organization for Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, the Southern California Association of Governments is responsible for transportation planning in areas surrounding and adjacent to land held in trust by the government of the United States for the 16 tribal governments and located within the boundaries of its jurisdiction.

(c) As a council of governments, the Southern California Association of Governments is organized as a joint powers authority.

(d) Members of the Southern California Association of Governments joint powers authority include counties and cities.

(e) The 16 tribal governments have undertaken, and intend to continue to undertake, transportation projects and programs on their lands located within the boundaries of the jurisdiction of the Southern California Association of Governments.

(f) Participation of the 16 tribal governments in the Southern California Association of Governments will facilitate coordination of transportation planning and programming within the six-county Southern California Association of Governments region.

(g) Enactment of this act will enable the 16 tribal governments to participate as members of the Southern California Association of Governments for specified purposes and subject to specified conditions.

SEC. 2. Section 6530.5 is added to the Government Code, to read:

6530.5. (a) Notwithstanding any other provision of law, the following tribal governments are authorized to enter into a joint powers agreement to participate in the Southern California Association of Governments to vote as members of its General Assembly:

(1) Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California.

(2) Augustine Band of Cahuilla Mission Indians of the Augustine Reservation, California.

(3) Cabazon Band of Mission Indians, California.

(4) Cahuilla Band of Mission Indians of the Cahuilla Reservation, California.

(5) Chemehuevi Indian Tribe of the Chemehuevi Reservation, California.

1 (6) Colorado River Indian Tribe of the Colorado River Indian
2 Reservation, Arizona and California.

3 (7) Fort Mojave Indian Tribe of Arizona, California, and
4 Nevada.

5 (8) Morongo Band of Cahuilla Mission Indians of the Morongo
6 Reservation, California.

7 (9) Pechanga Band of Luiseno Mission Indians of the Pechanga
8 Reservation, California.

9 (10) Quechan Tribe of the Fort Yuma Indian Reservation,
10 California and Arizona.

11 (11) Ramona Band or Village of Cahuilla Mission Indians of
12 California.

13 (12) San Manuel Band of Serrano Mission Indians of the San
14 Manuel Reservation, California.

15 (13) Santa Rosa Band of Cahuilla Mission Indians of the Santa
16 Rosa Reservation, California.

17 (14) Soboba Band of Luiseno Indians, California.

18 (15) Torres Martinez Desert Cahuilla Indians, California.

19 (16) Twentynine Palms Band of Mission Indians of California.

20 (b) Nothing in this section shall be construed as extending the
21 power of eminent domain to the tribal governments designated in
22 subdivision (a).

23 (c) Nothing in this section shall be construed as extending the
24 power to issue bonds pursuant to the Marks-Roos Local Bond
25 Pooling Act of 1985 (commencing with Section 6584) to the tribal
26 governments designated in subdivision (a).

27 (d) Nothing in this section shall limit tribal status and rights as
28 sovereign governments, grant the tribal governments any of the
29 rights, powers, and authority of local governments not addressed
30 in subdivisions (b) and (c), nor obligate tribal governments to the
31 responsibilities, requirements, and obligations of local
32 governments, except as required for the purpose of participating
33 in the activities specified in subdivision (a).

34 (e) Any change to the nature or extent of the designated tribal
35 governments' participation in the Southern California Association
36 of Governments set forth in this section shall be subject to
37 authorization by the Legislature.

38 SEC. 3. The Legislature finds and declares that, due to the
39 unique circumstances applicable to the Southern California
40 Association of Governments, a statute of general applicability

1 cannot be made within the meaning of subdivision (b) of Section
2 16 of Article IV of the California Constitution. The facts
3 constituting the special circumstances are:

4 The 16 specified tribal governments' participation in the
5 Southern California Association of Governments joint powers
6 authority will benefit all parties involved in the Southern California
7 Association of Governments' regional planning activities.